

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

WOBIAO LEI, *et al.*,

Defendants.

CASE NO. CR20-0171-JCC

ORDER

This matter comes before the Court on Defendant Yi Jun Chen's motion to continue trial (Dkt. No. 76) and the parties' partially stipulated motion to continue trial (Dkt. No. 88). Having thoroughly considered the briefing and the relevant record, the Court hereby GRANTS the motions for the reasons explained herein.

Trial is currently scheduled for December 14, 2020. (*See* Dkt. No. 61.) Some of the parties argue a continuance is necessary because the case is complex, discovery is substantial, and defense counsel need additional time to effectively prepare pretrial motions and for trial. (*See* Dkt. Nos. 76 at 1; 88 at 6–8.) The Court also considers the context in which this motion arises. The COVID-19 pandemic continues to significantly impact the Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court incorporates by reference.) Specifically, the pandemic has made it difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of the community, and

1 public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to  
2 be present in the courtroom. (*See generally id.*)

3 Accordingly, the Court FINDS that the ends of justice served by continuing trial until  
4 November 2021 outweigh the best interests of Defendants and the public to a speedy trial. *See* 18  
5 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 6 1. Given the complexity of this case and the extraordinary volume of discovery, a failure  
7 to grant a continuance would deny Defendants' counsel reasonable time necessary for  
8 effective preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- 9 2. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate  
10 spectrum of jurors to represent a fair cross section of the community, which would  
11 likely make proceeding with an earlier trial impossible or would result in a  
12 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 13 3. Public health guidance has impacted the ability of jurors, witnesses, counsel, and  
14 Court staff to be present in the courtroom. Therefore, proceeding with an earlier trial  
15 would likely be impossible or would result in a miscarriage of justice. *See* 18 U.S.C.  
16 § 3161(h)(7)(B)(i).

17 Accordingly, the Court GRANTS the motions (Dkt. Nos. 76, 88) and ORDERS as follows:

- 18 1. The jury trial is CONTINUED to November 8, 2021 at 9:30 a.m.
- 19 2. The pretrial motions deadline is CONTINUED until September 27, 2021.
- 20 3. The period from the date of this order until November 8, 2021 is an excludable time  
21 period under 18 U.S.C. § 3161(h)(7)(A).

22 DATED this 1st day of December 2020.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE